



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CITY OF MANCHESTER

Complainant

CASE NO. M-0557

v.

DECISION NO. 83-61

AMERICAN FEDERATION OF STATE COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO

Respondent

#### APPEARANCES

##### Representing City of Manchester

Pauline Gray, Esq., Counsel  
Wilbur Jenkins, Personnel Director & Chief Negotiator

##### Representing AFSCME, Local 298

James Barry, Esq., Counsel  
James Anderson, Executive Director & Chief Negotiator

#### BACKGROUND

The City of Manchester (City) charges that Local 298, AFSCME, AFL-CIO (Union), committed an unfair labor practice by sending copies of a letter to negotiator Jenkins to the Mayor and Board of Aldermen, violating RSA 273-A:5, II (b) and (d) in that the sending of the copy of the letter constituted an attempt to "interfere with public employers in their selection of agents to represent them" and to "refuse to negotiate in good faith with the public employer".

The Union denies any breach of RSA 273 and claims it made no attempts to circumvent the City's negotiator nor did it communicate directly with the Mayor or Board of Aldermen.

Hearing was held in PELRB office in Concord on October 27, 1983.

#### FINDINGS OF FACT AND RULINGS OF LAW

The City and the Union commenced negotiating a new contract on October 8, 1981, on a contract expiring December 31, 1981, covering six (6) departments. Negotiations continued, mediation was used, a fact-finder's report was issued and rejected and negotiations were resumed on July 13, 1982, at which time the Union told the City it might file an unfair labor practice against City. On July 19, 1982, negotiator

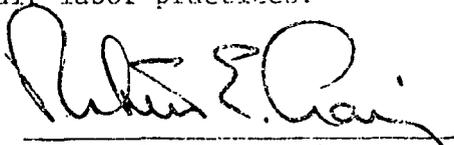
Anderson wrote negotiator Jenkins outlining the Union's acceptable "package" and sent copies to the Mayor and Board of Aldermen. City filed unfair labor practice charge on July 22, 1982. A mediator was appointed on August 8, 1982, and an agreement was reached on August 25, 1982.

At hearing the chronology was reviewed and the allegations renewed. It also developed that no written ground rules for negotiations had been agreed to. Also it seemed that City procedures in the past had allowed the Mayor to step in and take over negotiations.

No evidence was submitted nor testimony received that the Union had attempted to negotiate with anyone other than Mr. Jenkins and thereby circumventing his role as the City's negotiator.

DECISION

Lacking clear evidence of attempts to circumvent the authorized negotiating team as evidence of failure to negotiate in good faith, the FELRB declines to find AFSCME, Local 298 guilty of unfair labor practices:

  
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Robert E. Craig, Chairman

Signed this 7th day of December 1983.

Chairman Robert E. Criag, presiding, members present and voting Seymour Osman and Russell Verney. Also present, Evelyn C. LeBrun, Executive Director.